

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SIONE FUAPAU, et al.,
Plaintiffs,

v.

LHOIST NORTH AMERICA OF
ARIZONA, INC.,
Defendant.

Case No. 20-cv-04404-VKD

CASE MANAGEMENT ORDER

On September 29, 2020, the parties appeared for a Case Management Conference. Based on the parties' Joint Case Management Statement, the discussion held at the conference, and the parties' supplemental October 9, 2020 status report (Dkt. No. 24), the Court orders as follows:

The presumptive limits on discovery set forth in the Federal Rules of Civil Procedure shall apply.

The parties are referred to private mediation. The mediation shall be conducted by **February 26, 2021.**

In the event discovery disputes arise, the parties shall comply with the discovery dispute procedure outlined in the Judge DeMarchi's Standing Order for Civil Cases,¹ which sets forth the requirements for filing joint discovery letter briefs rather than noticed discovery motions. Parties are encouraged to promptly address discovery disputes. At the latest, discovery disputes relating to fact discovery must be submitted to the Court no later than seven days after the fact discovery cutoff, and discovery disputes relating to expert discovery must be submitted to the Court no later

¹ Parties may obtain copies of all of Judge DeMarchi's standing orders from the Clerk of the Court, or on Judge DeMarchi's web page on the Court's website (<http://cand.uscourts.gov>).

than seven days after the expert discovery cutoff. Civil L.R. 37-3.

The parties shall comply with the requirements, deadlines and procedures outlined in Judge DeMarchi's Standing Order re Pretrial Preparation for all cases scheduled for trial.

The following schedule shall apply to this case:

Deadline for plaintiffs to file motion for class certification	June 7, 2021
Deadline for defendant's opposition to motion for class certification	July 12, 2021
Deadline for plaintiffs' reply re class certification	August 3, 2021
Hearing re motion for class certification	August 24, 2021, 10:00 a.m.
Fact discovery cutoff	March 4, 2022
Deadline for Rule 26(a)(2) disclosures ²	April 4, 2022
Deadline for Rule 26(a)(2) rebuttal disclosures ³	April 25, 2022
Expert discovery cutoff	June 17, 2022
Last day for hearing on dispositive motions/ <i>Daubert</i> ⁴ motions	August 30, 2022, 10:00 a.m.
Final Pretrial Conference	November 9, 2022, 10:00 a.m.
Start of Jury Trial (7 days)	December 5-9, 12-13, 2022, 9:00 a.m.

Requests for extensions of any of the deadlines set in this order will not be granted absent

² This deadline applies to any witness a party will use at trial to present evidence under Fed. R. Evid. 702, 703 or 705, and includes the disclosures required under Fed. R. Civ. P. 26(a)(2)(B) and (C).


³ This deadline applies to any witness a party will use at trial to present evidence under Fed. R. Evid. 702, 703 or 705, and includes the disclosures required under Fed. R. Civ. P. 26(a)(2)(B) and (C).

⁴ *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

1 exceptional and unforeseen circumstances.

2 **IT IS SO ORDERED.**

3 Dated: October 13, 2020

4
5 
6 VIRGINIA K. DEMARCHI
7 United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California